

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cv423**

JERRY ANDERSON,)	
)	
Plaintiff,)	
)	
v.)	<u>ORDER</u>
)	
CALDWELL COUNTY SHERIFF'S)	
OFFICE, et al.,)	
)	
Defendants.)	
)	

Pending before the Court is Defendants' Third Motion to Compel [# 91].

Defendants move to compel the production of confidential settlement agreements reached in two state court actions. These state court actions revolved around whether Plaintiff was entitled to receive a portion of the life insurance proceeds from his wife's life insurance policy. Subsequently, the parties to these proceedings entered into settlement agreements resolving the two state court actions. These settlement agreements are the subject of this motion to compel.

In response to Defendants' motion, Plaintiff does not dispute that the settlement agreements at issue are discoverable. Instead, Plaintiff represents to the Court that he informed counsel for Defendants that the settlement agreements require a court order to overcome the confidentiality provision in the agreement. Moreover, Plaintiff states that he consents to the Court entering an order directing Plaintiff to disclose the confidential settlement agreements.

Accordingly, the Court **GRANTS** the Defendants' Third Motion to

Compel[#91] and enters the following **ORDER**:

- (1) The Court **GRANTS** Defendants' Third Motion to Compel [# 91]. The Court **DIRECTS** Plaintiff to produce to Defendants, the settlement agreements at issue within ten (10) days of the entry of this Order. The Court will address the issue of privilege, including attorney-client privilege and attorney work product, as to any additional documents related to the settlement in ruling on Defendants' First Motion to Compel [# 82].
- (2) The Court finds that an award of costs for bringing this motion is not warranted under Rule 37(a)(5).

Signed: June 13, 2011

Dennis L. Howell
Dennis L. Howell
United States Magistrate Judge

